

Agenda Item:	5.1
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Site:	Bargates, High Street, Burton Upon Trent, DE14 1LJ
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Proposal:	Hybrid planning application seeking full planning permission for 72 unit sheltered housing scheme, 10 no. dwellings, 13 no. apartments, 2 no. B1 Office units and associated landscape, parking and external works; and Outline planning permission to include up to 5150 sq. m of (Class E (a/b/g), C1 Hotel, C3 Apartment, public houses/drinking establishments with associated parking and up to 4 no. dwellings and 8 no. apartments with all matters reserved
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Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2020/01454
Planning Officer:	Naomi Perry
Type of Application:	Hybrid application
Applicant:	Jessups
Ward:	Burton
Ward Member (s):	Councillor H Hall
Date Registered:	8.01.2021
Date Expires:	9.04.2021
Reason for being on Agenda	Significant public interest and site also owned by the Borough Council

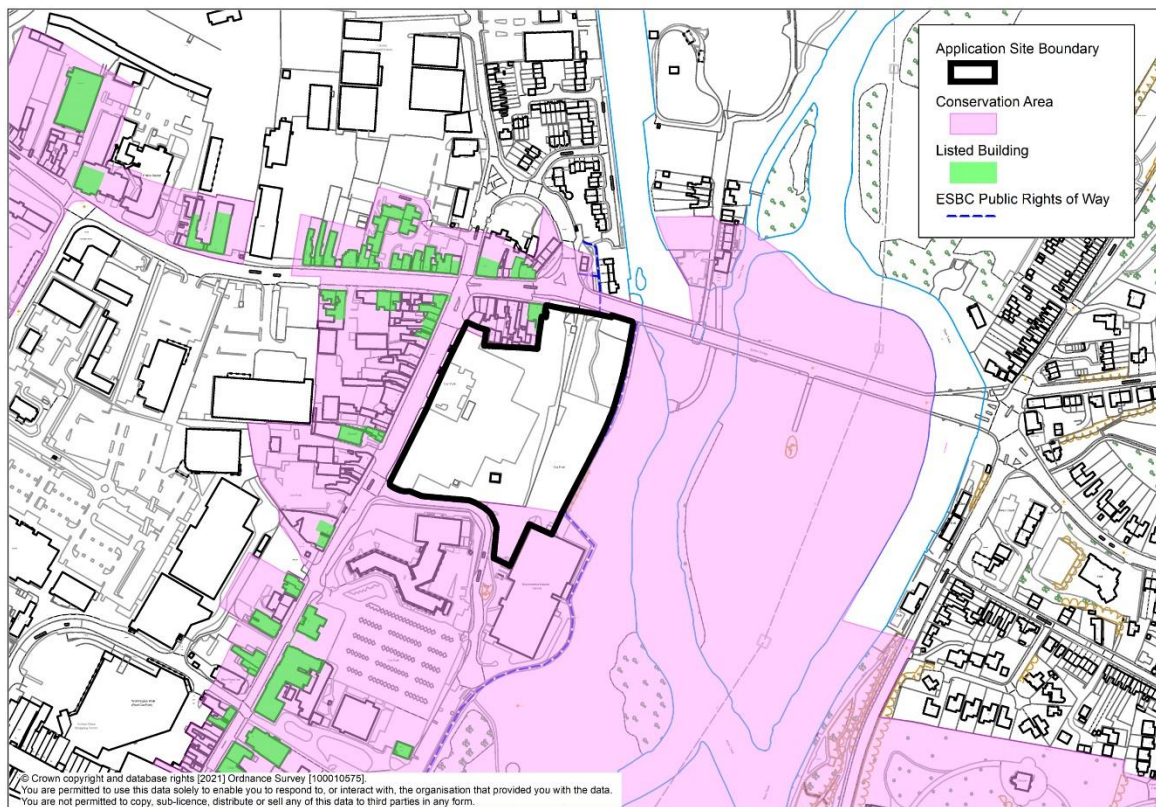
1. Executive Summary

1.1 The application seeks full planning permission for 72 unit sheltered housing scheme, 10 no. dwellings, 13 no. apartments, 2 no. B1 Office units and associated landscape, parking and external works; and Outline planning permission to include up to 5150 sq. m of (Class E (a/b/g), C1 Hotel, C3 Apartment, public houses/drinking establishments with associated parking and up to 4 no. dwellings and 8 no. apartments with all matters reserved.

1.2 The site area is 2.83 Hectares.

- 1.3 Statutory consultees have raised no objections to the proposal.
- 1.4 38 letters of objection has been received including 2 petitions. 1 letter of support have been received.
- 1.5 It is considered that overall the scheme complies with the provisions of the relevant adopted development plan policies and the National Planning Policy Framework.
- 1.6 It is not considered that the proposal will have an adverse impact on the residential amenities of nearby residents, have a detrimental impact on highway safety, biodiversity or heritage assets, or increase the risk of flooding either on the application site or elsewhere.
- 1.7 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to conditions.

Map of site



2. The site description

- 2.1 The site has an area of 2.83 hectares, most of which comprises the cleared site of a 1960s concrete shopping and bowling alley development, which was demolished in 2012. Parts of the site have been temporarily grassed and parts are devoted to public car parking, some of which serves the adjoining Meadowside Leisure Centre. The two remaining buildings on the site located towards the southern boundary, are the rectangular brick structure enclosing the well-head which formerly supplied water to the brewing industry and another brick structure enclosing an electricity sub-station. There are no significant changes in level across the site. There are several mature trees

towards the High Street frontage of the site and a single linear belt of trees running approximately north/south towards the eastern side of the site. These are subject to a TPO (TPO 354).

- 2.2 The site has a frontage to High Street to the west, which on the opposite side is fronted by predominantly three storey buildings. At ground floor level most are in use for a mix of retail and food & drink uses, but there is also a church set behind the main back of footway building line. The buildings are predominantly brick and tile with limited render and most of the facades date from Victorian times. The church is constructed in stone.
- 2.3 Adjoining the north-west corner of the site are the rear outbuildings of properties fronting Bridge Street. The frontages of the properties are predominantly 3 storey but the outbuildings are a mixture of 1 and 2 storey. Again the buildings are mostly brick and tile with limited use of render dating mostly from the 19th century. The exception to this is a modern brick and render single storey mansard roofed building to the rear of the corner site on Bridge Street/High Street. The ground floor uses comprise a mixture of food and drink, retail and office uses. Some of these buildings are serviced from the direction of the application site with a legal right of access route in place.
- 2.4 To the east of the Bridge Street buildings the site extends along to the edge of Burton Bridge, which is the main river crossing within the town. The eastern part of the site extends to the flood defence of the River Trent, beyond which are the Trent washlands, a large area of functional floodplain with formal and informal recreation use. This eastern area is partly open grassland used for informal recreation with footpath links to the washlands and partly car parking associated with, but not limited to, the Meadowside Leisure Centre. It is visually divided from the rest of the site by the line of trees running roughly north/south.
- 2.5 The southern boundary of the site is Meadowside Drive, which is the access road to the Meadowside Leisure Centre, a large rectangular building faced in pale coloured cladding built in 1980 and refurbished in 2010. The building itself is beyond the southeast corner of the site and extends further east towards the River Trent. The other building on the opposite (southern) side of Meadowside Drive, almost completely hidden from view by a high conifer hedge is a 1980's brick two storey office building occupied by Coors brewery. The building was originally designed and built as a hotel and subsequently converted to offices. This building is part of a larger site occupied by the company which extends down the eastern side of High Street towards the main town centre shopping area and includes Victorian buildings and the prominent water tower of the earlier Bass brewery.

3. Planning history

Application Number	Application Registered	Proposal	Decision
TP/17122/002	26/09/1991	Topping and lopping of 50 trees.	Approve with Conditions 18-11-1991

PA/02125/017	26/04/1996	COU to public house and night- club including the installation of new shop front (ground floor only)	Approve with Conditions 30-05-1996
OU/17122/008	05/04/2000	Outline for retail development.	Approve with Conditions 18/08/2000
PC/17122/009	11/01/2001	Application under Section 73 of the Town and Country Planning Act 1990 for outline retail development without complying with condition 8 of OU/17122/008 dated 17/08/00, relating to food sales	Approve with Conditions 02-03-2001
PC/17122/010	24/06/2004	Application under section 73 of The Town and Country Planning Act 1990 to extend condition 1 (submission date for reserved matters) of planning permission PC/17122/009 from 28/02/04 until 28/11/05.	Withdrawn Decision
PC/17122/011	17/03/2005	Application under Section 73 of the Town and Country Planning Act 1990 to extend condition 1 (submission date for reserved matters) of planning permission PC/17122/009 for a further two years.	Conditional Approval - Delegated 16-06-2005
PC/17122/012	08/07/2005	Application under Section 73 of the Town and Country Planning Act 1990 to extend condition 1 (submission date for reserved matters) and condition 2 (to implement within 2 years) of planning permission PC/17122/011 for a further 3 years.	Conditional Approval - Delegated 31-08-2005
PC/17122/016/ CLF	04/06/2008	Application under Section 73 of the Town and Country Planning Act 1990 for the redevelopment of the Riverside Centre for retail development without complying with Condition 9 of planning permission PC/17122/012 dated 31st August 2005 (relating to the retention of trees subject to a Tree Preservation Order)	Conditional Approval - Delegated 15-08-2008
RM/17122/017/ CLF	04/09/2008	Reserved matters application for the erection of a two storey building to form 9 retail units with associated car parking and servicing areas, including details of siting, design, external appearance, means of access and landscaping	Refused - Committee 21/11/2008

P/2011/01413/ MB	01/12/2011	Demolition of the former Riverside Shopping Centre also known as Bargates.	Prior Approval Not Required 23-12-2011
P/2017/01589	08/12/2017	The construction of 140 dwellings comprising 72 sheltered apartments, 24 private apartments and 44 houses plus commercial units and car parking for the Meadowside Leisure Centre, included new access.	Withdrawn

4. The proposal

4.1 There are four elements to the phase 1 (full application) housing proposals –

- (a) 72 two bedroomed sheltered flats for the elderly with communal facilities in 3/4 storey buildings which would front High Street between Meadowside Drive and the rear service access of businesses situated on the south side of Bridge Street. The buildings would have accommodation facing both High Street and towards the River Trent on each side of a central access corridor. It would have a bridge link above the main proposed west/east route between High Street and the river. A 72 space car park is proposed for this development in two blocks towards the northern part of the site, the main part with 52 spaces accessed from the west/east link and the remainder from the proposed with access main access road for the whole of the site extending from the corner of Meadowside Drive towards Bridge Street. Service access to the rear of businesses on Bridge Street would be retained in the form of an access via the new main access road. The block also includes a small café in the corner of the southern block facing the access route. The scheme, including the car park would be managed by Trent and Dove Housing Association.
- (b) 10 three bedroomed two storey detached houses each with two parking spaces sited in two rows of five facing the new main west/eastlink and a parallel access road to the south, so the two blocks would be sited approximately in the middle of the site.
- (c) A linked block of 9 apartments (6x2 bed and 3x1 bed) on three storeys sited at right angles at the eastern end of the two parallel blocks of detached houses.
- (d) Fronting the south side of Bridge Street, a three storey block of 4 apartments (1 bed) above two individual B1 uses at ground floor level.

4.2 Phase 2 (in outline) comprises a mixed use development in two blocks fronting the washlands and the River Trent. The uses would comprise A3 food and drink with C1 hotel, B1 Commercial and C3 apartments above on up to 4 storeys. Surface parking would be to the rear of the two blocks accessed from the eastern side of the main north-south spine road. Parking for the Leisure Centre would be temporarily relocated in two blocks, both at surface level, one area wrapping around the north-west corner of the Leisure Centre building and the other between the north side of Meadowside Drive and the two main elements of the phase 1 housing scheme to the west and north. The main west-east link through the phase 1 scheme would be extended through the phase 2

development to provide an outdoor public space extending to the boundary of the washlands.

- 4.3 There are 4 options for Phase 3 with a range of commercial space from 2200sqm to 5150sqm. All matters are reserved and require market testing before firm proposals can be brought forward in a reserved matters application.
- 4.4 In common with all options for Phase 3 are 4 more detached houses each with 2 parking spaces fronting the southern row of identical dwellings in phase 1. To the south of these are proposed linked blocks of three storey buildings with B1 uses at ground floor level and 8 flats above fronting the north side of Meadowside Drive provided with a total of 28 parking spaces. This part of the development would replace part of the temporary Leisure Centre car park.
- 4.5 Phase 3 also includes 4 more detached houses each with 2 parking spaces fronting the southern row of identical dwellings in Phase 1 once the temporary car park for the Leisure Centre has been moved to the east of the main access road to the riverside frontage park site. To the south of these are proposed linked blocks of three storey buildings with B1 uses at ground floor level and 8 flats above fronting the north side of Meadowside Drive provided with a total of 28 parking spaces.
- 4.6 The plans associated with the application have been amended during the application process to address concerns raised by officers in relation to trees and landscaping, parking layout, charging points, ecological enhancements, renewable energy measures and waste collection.

List of supporting documentation

4.7 The following documents have been provided as part of the application:

- Planning application form
- Travel Plan
- Transport Assessment
- SuDS Statement
- Planning Statement
- Site Appraisal report
- Landscape Strategy
- Levels layout
- Drainage Strategy
- Heritage Statement
- Flood Risk Assessment
- Deign and Access statement
- Landscape <Masterplan
- Arboricultural Report
- Affordable Housing Statement
- Proposed Site plans
- Bin and Cycle provision
- Car parking provision
- Site survey Rights of Wat
- Constraints Plan
- Site Surveys
- Site Sections

- Extremal Surface Treatment
- Local Plan
- Health Impact Assessment Air Quality Survey
- Noise Survey
- Open Space Assessment
- Topographical Survey
- Utility Survey and Utilities Search
- Proposed Elevations
- Preliminary Ecological Appraisal
- Viability Assessment

4.8 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Burton Parish Council	No response
5.3	SCC Highways	No objection subject to conditions and Informatives
5.4	SCC Education	Request a financial contribution of £37,440 to go towards education provision at Holy Trinity CE (C) Primary School and Abbot Beyne School and Burton High Cluster
5.5	Staffordshire County Council Public Rights of Way Team (PROW)	<p>The attention of the developer should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If the paths do need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the bridleways to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert the rights of way. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).</p> <p>It is important that users of the path are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. We would ask that trees are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.</p>

		<p>Please note that Rights of Way Circular 1/09 (section 7.8) recommends that "In considering potential revisions to an existing right of way that are necessary to accommodate planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic".</p> <p>In due course the County Council requires details regarding the proposed surfacing of the footpaths which is something that the developer needs to be made aware of as the usage on all of these routes is likely to be greater if the development is approved.</p> <p>The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question.</p> <p>It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980.</p> <p>It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.</p>
5.6	SCC Flood Risk Team	No objection subject to conditions relating to final surface water drainage design and implementation of submitted drainage strategy.
5.7	Severn Trent Water	<p>I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:</p> <ul style="list-style-type: none"> • The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and • The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
5.8	Natural England	No response

5.9	Clinical Commissioning Group (CCG)	Request a contribution of £44,940 to go towards healthcare provision at Wetmore Road Surgery, Peel Croft Surgery and Gordon St Surgery
5.10	Architectural Liaison Officer	Whilst I have no objections to this application, it is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that a high level of physical security is incorporated in this development. I recommend that these proposals are included in the Town Centre CCTV System. Particular attention should be paid to pedestrian routes and parking areas.
5.11	Peak and Northern Footpaths Society	The surface of any paths subject to increased usage as a result of greater use should be improved as suggested. Also the non definitive paths which are referred to in the Design and Access statement should not be aligned or realigned to estate roads but should form traffic free routes as recommended in ROW Circular 1/09 section 7.8
5.12	The National Forest Company	In summary <ul style="list-style-type: none"> • The proposal is required to support the delivery of 0.56ha of dedicated woodland planting • The NFC would request the provision of an off site planting contribution of £19,600 through a s106 Agreement • The landscape concept for hybrid proposal is considered acceptable from the perspective of the National Forest although the success of the detailed design will depend on careful delivery and management and appropriate conditions are requested.
5.13	Historic England	No comment
5.14	Environment Agency	The Environment Agency has no objections to the proposals as submitted, subject to conditions being imposed. The proposed development will only meet the National Planning Policy Framework's requirements if the following planning conditions are included.

Internal Consultees		Response
5.15	Environmental Health	<u>Air quality</u>

	<p>After considering the Air Quality Assessment undertaken by MEC Acoustic Air (ref:23543-04-TN-01 Rev A), dated 20th June 2020, I am satisfied that there are no significant adverse air quality effects in relation to the proposal. In order to minimise the impact of dust from construction and associated activities, I would like to recommend conditions however:</p> <p>A dust mitigation scheme shall be submitted to and agreed by the LPA, and then implemented during the development. The scheme shall follow the principles of the latest version of the Institute of Air Quality Management’s (IAQM) <i>Guidance on the assessment of dust from demolition and construction.</i></p> <p><u>Noise</u></p> <p>After considering the Environmental Noise Survey and Assessment undertaken by noise.co.uk (ref: 20451-1), dated 4th November 2019 I would like to recommend the following Condition:</p> <p>A scheme of noise mitigation (glazing and ventilation) shall be submitted to and agreed by the LPA, and then installed, prior to the first occupation of the apartments. The scheme shall ensure the recommended standards of BS 8233:2014 <i>Guidance on sound insulation and noise reduction for buildings</i> are complied with.</p> <p>The scheme shall ensure that as a minimum, the glazing and ventilation mitigation specifications recommended in above noise assessment for the various apartment facades are met. As also recommended in the above noise report, mechanical ventilation shall be installed and where clean air is required to be drawn into the apartments for the purposes of the mechanical ventilation, this shall be from as far away as possible from the Burton Bridge Brewery to ensure any odour effects from the brewery are minimised.</p> <p><u>Contaminated Land</u></p> <p>a. Where the Phase II Site Appraisal (Rev 2) completed October 2019 by Patrick Parsons has identified the presence of soil contamination and ground gas, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed. Please note that the ground gas</p>
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		<p>classification and remedial measures should be completed in reference to BS 8485 2015+A1:2019.</p> <p>b. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.</p> <p>c. The development shall not be occupied until a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.</p>
5.16	Housing Strategy	<p>The application by Trent and Dove is predominantly for affordable housing in the form of sheltered accommodation. From my point of view the proposal is acceptable, it exceeds the requirements for the quantity of affordable housing set out in the SPD, and I don't have any additional comments to make at this stage.</p>
5.17	Waste Manager	<p>There are a number of concerns regarding waste storage and collection for this development and reference is made to the Council's Waste Storage and Collection Guidance for New Developments.</p> <p>There appears to be a lack of formally adopted highway within this development. This creates difficulty for all delivery vehicles, including those collecting refuse. The submitted drawings indicate that refuse vehicles will be required to manoeuvre within private parking areas, including the need to carry to reversing manoeuvres. This should be avoided as, by default, there is likely to be a significant number of both vehicular and pedestrian activity in these areas. Guidance states:</p> <p><i>Waste collection rounds should, wherever possible, enable collection vehicles to continue in a forward gear and minimise reversing manoeuvres. Reversing of waste collection vehicles is a dangerous operation and requires the use of reversing assistants to support the driver. Injuries to collection crews or member of the public by moving collection vehicles are invariably severe or fatal.</i></p> <p>In addition, the highway layout and location of waste storage facilities should be amended to suit the following requirements:</p>

		<ul style="list-style-type: none"> • <i>Collection crews should not have to move 2-wheeled containers more than 25 metres and 4-wheeled containers no more than 10 metres.;</i> • <i>Gradients should not exceed 1 in 12 and avoid steps;</i> <p>The developer will be required to provide the appropriate external storage containers for refuse and recycling collection (in accordance with the Council’s specification) or pay a financial contribution to the Council for their provision via a Section 106 Agreement. With reference to drawing 116-P2, the proposed level of provision is inadequate and must be increased. This will require design changes.</p> <p>Additional comments received following amendments to the layout to accommodate the required bins:</p> <p>The layout requires refuse vehicles to make difficult manoeuvres, including reversing in and amongst parked cars, in pedestrian areas, etc. Some of the swept paths even shown the vehicles overrunning landscaped areas.</p> <p>If the roads aren’t going to be adopted as highways there will be a need for complete indemnification from any claim against the Authority for damage to roads, paved areas, landscaping</p>
5.18	Conservation Officer	<p>I have considered this application for the redevelopment of the former Bargates Shopping Centre site and have had some involvement through the latter stages of pre-app discussions which I know have a lengthy history pre-dating my employment here. The application is a hybrid submission</p> <p>The previous buildings have long since been demolished and the site is currently a mid of concrete hard-standings and trackways mostly used as a parking area, with some green lawned spaces and a small number of trees likely part of the former shopping centre landscaping. Prior to the Bargates shopping centre development the site was densely developed as part of a brewery complex including offices and more formal spaces along the High Street frontage, industrial buildings behind and an extensive rail-head along the riverside. The open nature of the site today, and even the setback position of the Bargates Centre during its lifetime, was very different to the more highlight enclosed high street that existed when the site was occupied by the brewery complex.</p> <p>The site is almost entirely outside of the Burton on Trent Town Centre Conservation Area, although some small area within the red line along the river frontage is within the</p>

	<p>boundary. The site is surrounded in all directions by the conservation area designation as well as a number of listed buildings including Nunneley House, Queens Hotel, Britannic Assurance Building and Trent House (to the north) The Evangelical Church and 65, 66/67 and 81/81A High Street (southwest), numbers 97-102 High Street (via 4 separate listings covering numbers within that range), 3 timber curb posts beside number 102 and number 192 Horninglow Street (all to the northwest). All of these nearby listed buildings are Grade II listed.</p> <p>Many of these listed buildings were built as houses in the 18th century and were later used as shops when the town expanded, with several having good quality 19th century shop fronts at ground floor. Their settings are mostly informed by their neighbours and their position as part of a streetscene. A few exceptions include the Evangelical Church, which occupies a slightly unusual position set back from the street and partly nestled in behind buildings on the street frontage, its front elevation is striking but is visible from only a limited stretch of High Street before it is hidden by its neighbours. 66/67 High Street was the former offices of the Burton Mail and has less of a retail appearance as a result.</p> <p>Beyond these there is a taller structure near the library in the form of the grade II listed water tower at the Bass Brewery site although distance diminishes any likely impact.</p> <p>The heritage statement has done a lot of background research into the history of the site, including a map regression exercise that shows that the site was occupied by frontage building in long narrow plots, similar to what is seen on the west side of High Street today in a 'burgage plot' pattern that disappeared once the site was redeveloped for industrial scale brewing in the 19th century, although even in the 18th century there had been a trend towards amalgamating plots and some larger developments within the depths of the site.</p> <p>I have read the heritage statement and am happy that it has explored, identified and understood the nearby designated heritage assets to which the site has some relationship. Amongst the identified features is the generally strong frontages encountered on streets which preserve the medieval layout of the town, including High Street. The open nature of this site is something of a departure from this and redevelopment presents an opportunity to reintroduce that sense of enclosure which also has the potential to positively reflect the settings of nearby listed buildings which rely upon their position as part of a wider strong streetscape to allow appreciation of their more individual significance.</p>
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	<p>Phase 1 focuses on the high street frontage of the site and proposes pavement edge development which reintroduces the sense of enclosure lost in the 20th century redevelopment of the site and the subsequent demolition of that development.</p> <p>The approach to design is of blocks of building broken up into narrower forms through the use of gabled elements addressing the street and changes in fenestration and detailing. Some of the smaller gable fronted subdivisions are on a similar order to the width of the old burgage plots which inform the layout of parts of the High Street even today. Much of the proposal relies on brick, which is the most prominent material locally and the one which would have been used for the majority of the brewery buildings which previously occupied the site.</p> <p>Whilst the intricate faience and terracotta detailing seen on some of the towns 19th century buildings would represent a substantial cost likely unviable in modern construction the proposal have, nonetheless, sought to make decorative use of brickwork to add variety, interest and architectural quality to the scheme through a variety of patterns in recessed and projecting brickwork some of which inspired by local history and brewing, including the honeycomb pattern intended to reflect stacked barrels but also having some similarity to diaper work patterns seen in the late medieval period and revived in the Victorian period. As such im happy that this feature works visually, has some local reference and is a feature tried and tested in architectural terms.</p> <p>The high street frontage has relatively little articulation in elevation, the majority being set at a single building line, although there are occasional small departures to maintain a small degree of visual interest. This is arguably typical of the high street in general and as such fits well. Greater articulation is seen in the heights and roofscape of the buildings with a combination of gables, eyebrow type dormers and glazed panels returning up part of the roofslope add some architectural variety. Whilst windows typically line up across the scheme a variety of reveal depth helps to add some further interest which serves to distract from this. The scheme also incorporates a substantial chimney at the northern end of the frontage block. Chimney are common features in the industrial skyline of the town and help to incorporate the building into the established streetscape.</p> <p>The rear elevations are quite different, but ultimately with the development of the later phases the site will essentially have three components – relatively visually sensitive outlooks to the High Street and River which have some historic context which needs to be respected and reflected, and also an inward looking character where the only real context will be</p>
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the phases of the development itself, with relatively narrow views of the rear of Bridge Street properties and the more modern Bass Brewery Offices and leisure centre to the south. These internal, inward facing elevations represent an opportunity to create a different sense of place without compromising the relationship with the historic environment and as such I am not concerned by this different character between the front and rear elevations, whilst much of the internal area will necessarily be taken up by parking provision the enclosing blocks would hide this from the wider streetscape.

Block D sits at the north of the site just to the east of Nunneley House. This grade II listed building has been prominent in views across Burton Bridge for many years since buildings to its east were demolished. Whilst the settings of heritage assets are acknowledged as changing over time, and this prominence is not reflective of the historic situation, it has become established. This is perhaps the element of the detailed proposal that I am least satisfied with. The position of the building means that the prominence of the, admittedly blank, gable elevation of Nunneley house will be diminished, although the significance of that elevation, previously hidden and largely without architectural detail, is itself minor. The more significant views of the front elevation would not be affected. There has been some attempt to create a front elevation made up of narrow vertically emphasised bays of windows and openings, as well as framing at ground floor where retail uses are proposed. I do not believe that much more could be done to improve upon the design significantly. I understand that maintaining rights of access and providing sufficient parking limits the scope to draw this proposed block further south which is unfortunate. The rear balconies will not be visible from the crossing of Burton Bridge and will only really be prominent in context with the rear elevation of other Bridge Street properties, which are dominated by incremental later additions which give them a somewhat haphazard character.

The full element of the scheme also proposes 10 houses at the rear of the high street frontage (Block B types 1 and 2) with an apartment building along their eastern side (Block C) These buildings would be internal within the site and ultimately when developed in full would have little impact beyond its boundaries. The ten houses are proposed with steep and regular gabled roofs which conjures up images of the roofs of large early industrial structures, particularly those seen in brewery buildings such as barrel washes, a type of building which has largely been lost in burton. The gabled elements are interconnected by flat roofed garages projections which are highly recessive in the frontages. Block C has much of the brickwork detailing as seen in the

	<p>high street frontages but in a more utilitarian form reflecting its less sensitive position within the site and serves to bookend the houses to their east side.</p> <p>For the later phases presented in outline I am confident that detailed design can achieve the same level of care as the high street frontage element presented in detail, the information provided in respect of later phases gives me confidence that the applicants understand the constraints to the riverside and some of the initial ideas show promise. There is nothing about the proposed uses of the indicative blocks of structure which gives me any concern that appropriate reserved matters submissions would not be possible in future and as such I would not object to the outline elements of the proposal.</p> <p>Whilst I have some reservations in respect of Block D I am mindful of the need to reach a conclusion on the overall impacts and merits of the scheme. In that sense the proposals are largely positive. In respect of nearby listed buildings the proposed development restores elements of the streetscape context which would allow their positions in the wider townscape to be better understood and appreciated. I am satisfied that the proposal preserves, and arguably improves, the settings of nearby listed buildings and would not harm their special significance. Whilst the proposal is not within the conservation area for similar reasons it would enhance its setting, indeed the site was deliberately left out of the conservation area designation because it represented a large gap in the otherwise strong frontage along High Street, the proposal could mean that any future review of the conservation area might contemplate adding at least the high street frontage of this scheme into the conservation area.</p> <p>I am of the view that the proposal would preserve both the special architectural and historic interest of the conservation area via its setting and would preserve the significance of listed buildings via their settings as is described as a desirable objective within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>Much of the proposal will rest on detailing. A variety of brick types are proposed so as to add some variety and interest across the site, as are a number of roofing materials. Rainwater goods are proposed in aluminium as are windows which should provide durable finishes with slender framing as well as an appearance at home with a broadly industrial character for the scheme overall. Given this I would strongly encourage conditions relating to facing and roofing materials and confirmation of product details for windows and rainwater-goods to ensure quality is achieved. I would also suggest conditions relating to hard surfacing as part of the</p>
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		landscaping within and around the site, particular where the high street frontages leave small areas adjacent the pavement which will require treatment. I would also suggest conditions for construction details for the proposed balcony railings.
5.19	Open Space	Given the close proximity to the Washlands, Open Spaces would be seeking an offsite contribution for this development. Based on the number and size of the dwellings this would be £50,000.
5.20	Planning Policy	Covered in main body of the report
5.21	Tree Officer	<p>I object to the application, the proposed development removes a large number of mature trees including TPO trees. The trees provided a high level of amenity to the area both to the street scene, they have provided no replacement for this amenity value to be replaced apart from one “feature tree” which as it is situated between two building will do little to replace this amenity value.</p> <p>They have not provided sufficient provision to ensure that any replanting will grow to replace these large mature trees.</p> <p>They have not provided sufficient rooting space for the new trees, no incorporation of a cellular system to ensure new planting has sufficient rooting space, nutrient and water but could also be incorporated into the SUDs system.</p> <p>The woodland car park area has a number of trees present, if this is designed for residential this will lead to a number of complained regarding debris on cars.</p> <p><u>Additional comments received following amendments to the landscape plan and associated management plan:</u></p> <p>The trees need to have a sufficient rooting area, water and nutrients to survive, the proposed planting is mainly within hardstanding, the leaving of unsurfaced areas will not be sufficient to ensure long term survival of thriving trees. Due to the amount of large mature trees and amenity value they are removing to the local area then it is of significant importance that these trees thrive into maturity. It is also important that the trees do not become liable to causing damage to the surfacing long term, as this would result in their removal.</p> <p>In order for this to be achievable then the provision of correct planting medium, space, water and aeration must</p>

		<p>be available the planting specification for this area does not do this. It is likely that the trees will not thrive or make it to maturity.</p> <p>The incorporation of soil cells, root directors and tree protection should be included into the design, due to the liner proposed planting scheme for the majority of these trees it can be easily incorporated into the design to ensure all trees have sufficient nutrients, water and rooting space. They can also incorporate SUD's drainage into these, which would be of benefit.</p> <p>The trees will require watering for 3 years post planting rather than the year stated within the management plan.</p>
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6. Neighbour responses

6.1 38 letters (1 support) have been received from local residents aswell as responses from local business and interest groups raising the following issues:

Neighbour responses	
Impacts on Amenity	<p>The proposal will cut out light from properties on the opposite side of High Street</p> <p>Increased traffic will cause amenity issues</p>
Proposed use	<ul style="list-style-type: none"> • The application should not be residential led but should include cafes, restaurant and such as Willington marina, with small shops, and area grassed for picnics, and walkways to the river. • Need family entertainment, not housing to bring visitors and money to the north end of High Street and not to blindly fulfill housing quotas. • The possibility for 'Tourism' in this area should not be forgotten • Land that could be put to far better use by all the residents of Burton as opposed to just a few for example a suitable area for farmers markets, carnivals, fetes, festivals, jamborees and galas not to mention picnic areas and water sport possibilities all of which could be the source of some income to the land owner.
Phasing and phase 2	<p>Concern over the whole development being implemented once the residential elements of the scheme are finished and occupied.</p> <p>A 'Fallback' or 'Backstop' position needs to be implemented to the River frontage on a temporary if not permanent basis as a</p>

	<p>'caveat' to development of the whole site.</p> <p>An area of 5,150sq.m actually would certainly be insufficient for there to be a hotel, public house or drinking establishment together with car parking. Concern that this would be redeveloped for housing.</p> <p>Would prefer phase 2 to be reserved for a larger leisure use and consider a specialist leisure needs survey should be obtained and utilised to support the marketing of phase 2.</p> <p>The town can support a bowling alley</p>
Positives of the scheme	<p>Strong design principles in providing a residential scheme to the High Street while respecting a different commercial approach to the Riverside Area.</p> <p>Maintains the 'streetscape' along the High Street towards the town centre and respects the 'natural' environment openness of the river frontage overlooking the Washlands,</p> <p>A strong planning concept with direct vehicular and pedestrian routes that relate to the existing fabric and network layouts of the site and historical townscape.</p> <p>The 2No Phases indicated on the Site Plan are logical in their format and form a good basis for the 'Masterplan' development of the whole site if all parties concerned maintain their contractual and financial obligations during the planning process.</p>
Impact of climate change	<p>Phase 1 plans do not address the need of the ESBC Zero emissions target by 2040 and do not include electric car charging points or sufficient tree planting required</p>
Design	<ul style="list-style-type: none"> • Not convinced about the Housing format to the centre of the site where a 'Terraced Courtyard' arrangement would better reflect the historical 'brewery yard' so reminiscent of the past Breweries. • The properties do not have adequate garden sizes • Concern the design would lead to the area being an area of anti-social activity • Not enough space between properties • The proposal to build prison like looking flats on the High Street will certainly not give visitors to or those passing through the town a good impression • Is the cladding fire proof?

Loss of green space and trees	<ul style="list-style-type: none"> • Object to the loss of trees, this conflicts with Burton being the capital of the National Forest and the Staffordshire Tree Study which aims to increase tree planting. • There are suggestions in the documents that there could be trees planted on the high street frontage, however the submitted plans do not include this idea. The cgi pictures show a parking bay along the entire high street frontage. This appears to be land which is not owned by the developers. • The council should bring forward plans to ensure that there should be planting beds in the parking area on the high street which includes appropriate tree planting as a clear indication of the towns place as the capital of the National Forest. As room is limited trees should be considered with colourful under planting. • Loss of green space, trees and picnic area adjacent to underpass
GPs	Local GPs (Wetmore Road) are overcrowded and the proposal will make this worse
Loss of car park and highway impacts	<p>Losing car parking spaces for the Meadowside Leisure Centre is unacceptable, likely to have a negative impact on the leisure centre</p> <p>Many of the shops and business will lose their car parking facility</p> <p>Planning conditions and restrictions need to be considered in respect of who will have use of the proposed roadways in the scheme. In particular, the road fronting the houses in block B which have garages accessed from the main route from high street towards the waterfront. Ideally no traffic except for the owners of these houses could use this road. Restrictions on any parking on this route will be required and occupiers and visitors should not be able to park on the roadway. Hopefully this can be enforced without the need for yellow lines which would clearly detract from the proposed paving and landscaping treatments. Would rising bollards be the answer to restrict access .</p>
Design	<ul style="list-style-type: none"> • Overbearing • Not in keeping with historic environment • Dull and unimangitive • The design and materials for the "overbridge" link between the two blocks of the sheltered housing buildings on high street needs to be reconsidered. The current design does not fit in with the design of the rest of the building. The corrugated aluminium cladding should be replaced by something like vertically

	<p>seamed black zinc or alternatively a modern re-interpretation of brewery link bridges with decorative steel work or wood cladding.</p> <ul style="list-style-type: none"> • The entrance of the passageway into the centre of the scheme is not sufficiently accentuated. • There is no indication of any public realm art work or any street furniture such as seating in this first phase of the development • The high street frontage between the entrance and Meadowside way need tweaking and the councils aversion to rendered frontages or reconstituted stone needs to be overcome. The section of the high street frontage opposite the stone fronted evangelical church would be an appropriate area to be re-designed with an alternative frontage material which would add a further heritage led contrast to the proposed new street scene. • The proposed block D (bridge street) building does not fit well with the adjoining listed Nunneley house and the rest of the Bridge street frontages.
Support	<ul style="list-style-type: none"> • Right of access has been taken into account • Would welcome additional parking spaces next to access route for existing businesses • Welcome the development. This will also help tidy up the area. • The new planning application which is much improved architecturally and improved by being a mixed use scheme for this very important gateway town centre site. • The scale and massing of the buildings is greatly improved
Biodiversity	Should be looking to promote the natural beauty of the area encouraging planting and wildlife not turning it into another housing eyesore
Cllr Helen Hall	<p>Although it can't be denied that Burton is in need of sheltered and affordable accommodation, this application lacks imagination in its design. The properties facing onto High Street obscure the view of the river beyond and give the impression that it is a private estate, which may not encourage visitors to venture towards the riverfront. It could be improved with more spacing around the properties, and wider pedestrian access routes. I would also like to ensure that due consideration has been given to the vehicular access required for loading and unloading at the Burton Bridge Inn: a couple of extra trees appear to have been added on this second application compared with the initial application in 2018, restricting vehicular movement, and the shapes on the design that form the periphery of the development do not</p>

	<p>make it clear whether their right of way will be preserved in the form it presently takes.</p> <p>It is difficult to comment on the outline planning application for phase two, as the description of planned work is rather vague. I would feel reassured if there were a definite commitment to providing leisure facilities on the riverside part of the development, as this is a key desire of the constituents who have approached me regarding this application. If leisure were to play a key part along the stretch of land by the river in phase two, giving it a marina feel, some of the apartments could be sited above the retail and leisure units. Planning for this key part of the town is such an important decision, and I hope that the committee will consider these points when reaching their decision.</p>
Cllr D Florence-Dukes	<p>Objects to the proposed development</p> <p>Phasing</p> <ul style="list-style-type: none"> • should be viewed as a standalone residential development application and not as part of the proposed wider redevelopment of the site which is detailed in the outline planning application for Phases 2 and 3. • In the event that the developers do indeed secure planning permission for Phase 1 and deliver the project, they would be under no obligation to submit a full planning application for Phases 2 and/or 3 and could potentially simply walk away. <p>Design</p> <ul style="list-style-type: none"> • The sheltered housing in particular appears overbearing in height, length and materials, reminiscent of a Victorian workhouse. • Affordable Housing • Number of affordable houses contravenes the Local Plan which stipulates the design needs to demonstrate a mixture of tenures. <p>Environmental Noise Survey and Assessment</p> <ul style="list-style-type: none"> • A noise assessment survey has been conducted on the site. The findings indicate that the sounds emitted from the Burton Bridge Brewery could have a significant adverse impact on residents. Concern over the impact of the operations of the Brewery. <p>Parking and Disabled Parking</p>

	<ul style="list-style-type: none"> • 72 spaces for the sheltered scheme are not sufficient, there are also no disabled bays, no spaces for visitors and many spaces are too far from the building. Concern over space for mobility scooters, conflict with British Standards 8300-2009 for disabled drivers. No grid marked out for emergency services. <p>Loss of car park will have adverse impact on local businesses.</p> <p>Electric vehicle charging stations</p> <ul style="list-style-type: none"> • There is no provision shown on the plan for a single charging point on the whole of the site. • Insufficient consideration for the reduction of carbon emission • There has been no provision made for carbon emission reduction and no plans for the installation of green renewable energy sources, such as solar shingles or panels or geothermal heat pumps. In addition, the planned landscaping does not go far enough to encourage biodiversity to the site, nor are there plans to install bird and bat boxes and insect houses. • Loss of trees • The loss of trees is unacceptable and more trees should be planted.
Love Burton (facebook group now has over 1200 members)	<ul style="list-style-type: none"> • Would prefer to see more mixed uses in phase 1 rather than it being solely housing. • The sheltered housing scheme and affordable housing would be better sited on a site less prominent than that proposed at Bargates does not make it an obvious place to build sheltered housing because of potential noise issues and late night activity. • Prepared to accept housing on phase 1 if there are assurances that the land designated for phase 2 is not sold to the developers until a detailed planning application for the river fronting leisure scheme is submitted and committed to. • Happy to see apartments built on upper floors above proposed leisure uses, provided that these are luxury apartments overlooking the river frontage. • Differing views on the question of the design of phase 1 units. This is a very subjective issue and whilst some members “like the contemporary design and the use of brick detailing,” others see the current plan as being “ugly”, “like a workhouse “and a “carbuncle”.

	<ul style="list-style-type: none"> • The design of the elevations to the section of block A at the Meadowside drive end of the sheltered housing block should be changed to give more variety in the design and materials, so that the large block is more interesting and not so overpowering and appears to be several separate buildings rather than one large unit. The Bridge street end of the proposed building is much more successful in this regard. • Wish to see the highest eco-standards and electric charging points • In respect of the entrance into the centre of the site and the route through to the river frontage, the current design does not announce that there is a major public route through to our riverside and washlands. At present phase 1 does almost completely obscure the view of the riverfront. • preferred to see some active commercial uses in the ground floor frontage of block A on High street rather than purely sheltered housing. • We also feel that the landscaping on the high street frontage should be improved with raised planting beds and roadside trees • Little information as to the lighting that is to be provided throughout phase 1, or seating • We are disappointed that the plans for phase 2 and the leisure uses and riverfront development are not being put forward as a full detailed planning application in the same way as the phase 1 housing scheme. • Phase 2 doesn't address the need to make provision for a large box leisure unit of 25,000 sq ft + to attract uses such as ten pin bowling, indoor family leisure or indoor adventure golf. • Welcome the proposal to attract a hotel to the site. It is well known that leisure operators prefer to be clustered together as they create footfall for one another.
Burton Bridge Brewery	<p>Objection on the basis that delivery vehicles will not be able to maneuver safely round the site, the facility of loading and unloading vehicles has been taken away and that would make our business unworkable, particularly as there would be no legal right to load or unload the vehicles on the right of way.</p>
Ego Hairdressing	<p>Concern over the loss of parking Do not consider the layout of the scheme takes account of access rights or offer of parking for staff and customers. Another concern is Fire Access and Fire Evacuation points. The site is currently used as a meeting point The new road next to the premises is extremely dangerous. Concerns on flooding, with the site in January 2020 being on high alert flood warnings.</p>

Change.org petition Titled Prevent houses on Bargates site (Burton on Trent) & vote for an entertaining are	Petition titled 'Prevent houses on Bargates site (Burton on Trent) & vote for an entertaining area' Signed by 1178 signatures
Against Bargates Development 2021 Petition	The objection is on the basis of environment, suitability, business and social impact. Those who signed the petition wish to see a development that showcases the River Trent, brings visitors and prosperity to the town rather than housing. This site should be treated differently due to its unique location. Petition signed by 208 signatures

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP10 Education Infrastructure
- SP11 Bargates and Molson Coors Strategic Area
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP24 High Quality Design
- SP25 Historic Environment
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- SP29 Biodiversity and Geodiversity
- SP34 Health and Wellbeing
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment
- DP7 Pollution and Contamination
- DP8 Tree Protection

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 11 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 219 of the NPPF states that ‘due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given’.

9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 31st March 2021 and concludes there is 5.67 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development.

10.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and

enhances buildings of heritage importance, setting and historic landscape character;

- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

10.4 Strategic Policy 4 identifies the site, along with the adjacent parcel of land as a strategic allocation for 350 dwellings. Therefore the principle of developing the site for residential purposes is acceptable.

10.5 Developing the site has been a longstanding ambition and the Borough Council prepared a design brief in 2009 and an SPD in 2010. The SPD contains the following objectives for the site:

1. deliver an outstanding exemplary high quality development fitting of the special location which can be contemporary and ambitious in design

2. achieve an appropriate mix of uses that contribute to a vibrant and active town centre;
 3. respect and respond to the unique setting of the River Trent and exploit the opportunity for views out of the development and for into the town across the river;
 4. respect the historic High Street setting with appropriately scaled and designed new buildings whilst at the same time avoiding pastiche;
 5. ensure the proposals are accessible to all and the impacts of cars are acceptable on the road network;
 6. encourage access to and enjoyment of the riverside;
 7. ensure the development is attractive, safe and secure;
 8. achieve appropriate environmental sustainability standards;
 9. deliver jobs and new economic opportunities for the town; and
 10. create a new visitor focus for the riverside and town centre.
- 10.6 Since the preparation of the SPD the Local Plan was adopted in 2015 which as well as identifying the site as a strategic housing allocation also includes Strategic Policy 11 Bargates and Molson Coors Strategic Area, covering two individual parcels of land on the High Street.

- 10.7 Strategic Policy 11 is a guide for developers to ensure that appropriate development regenerates the area by delivering an attractive town centre development, providing a mix of uses that contributes towards sustainable communities, delivers high environmental standards and links to the surrounding washlands and town centre. The policy states that:

The Strategic Site Area comprises two separate site allocations. The principles are that development should:

- *Contribute positively to a phased approach for the whole area*
- *Include uses appropriate for the area, particularly retail, office, residential and leisure*
- *Include a layout that supports linkages to the Washlands and the High Street*
- *Provide good linkages to public transport*
- *Demonstrate a mix of housing types and tenures*
- *Be designed to open up to the Washlands and encourage public use*
- *Provide sufficient parking spaces for existing and proposed uses*
- *Is of high quality design, reflecting the character of the area, surrounding buildings, the riverside setting, conservation area and listed buildings*
- *Is supported by a Flood Risk Assessment*
- *Includes opportunities for ecological improvements*

- 10.8 Each requirement is covered in the relevant heading within the report however touching on those criteria related to the principle of the development; firstly the application has been submitted in such a way as it will be delivered in phases.

Such an approach will allow the residential part of the scheme to be delivered quickly whilst the outline elements of the scheme can be marketed. Whilst the application only covers one part of the overall strategic site it does not hinder the Molson Coors element from coming forwards in the future and contributing towards the overall aim of the policy. Secondly the application, whilst predominantly a residential site does include a mix of uses with some office use on phase 1 and a community café within the sheltered housing scheme, and a range of uses on phase 2. Overall it is considered these elements of the policy have been met.

11. Design and Impact on the character and appearance of the area

- 11.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 11.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.

- (f) High proportions of frontage car parking will not be acceptable.
- 11.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 The application is supported by a design and access statement which demonstrates the design concept for the scheme and justification for the approach taken, which is principally responding to the historic context of the site, the requirements of the Bargates SPD as well as different constraints of the site.
- 11.8 The layout and design aims to improve the public realm across the site, improving linkages to the washlands. Overall it is considered that the proposal as a whole reflects the historic character of the surrounding area and responds positively to the design requirements of Design Guide.
- 11.9 The revised NPPF published in July 2021 introduces additional design requirements including reference to the role the planning system plays in ensuring homes are well designed beautiful and safe places, streets and transport elements reflect national design guide and national model design code and that new streets are tree-lined and solutions are found that are compatible with highways standards and the needs of different users.
- 11.10 It is considered that The East Staffordshire Design Guide broadly complies with the national model design code and ensures proposals reflect the local character and design preferences. Therefore it is considered that the proposal meets the requirements of the revised NPPF with regards to design.
- 11.11 The NPPF doesn't offer guidance on what constitutes 'tree lined' however the scheme includes tree planting along the key routes through the site and on balance it is considered that this new requirement of the NPPF has been met.
- 11.12 The police liaison officer has provided comments in respect of design of the scheme and crime and fear of crime. Good lighting should be used to improve natural surveillance beyond daylight hours and reduce fear of crime however, lighting should not detract from the street scene or cause light pollution. Therefore it is appropriate that a scheme of lighting is conditioned.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 The residential amenity SPD provides guidance on how these elements are to be assessed by way of providing minimal distances between properties and minimum garden sizes.
- 12.3 The minimum back to back distance between habitable rooms should be 21 metres where dwellings are of the same number of storeys. Where dwellings differ in scale the distance should be increased by 2 metres for each additional 1 metre of elevation. Proposes walls within habitable windows should be a

minimum of 12 metres apart where dwellings are of the same number of storeys.

12.4 Given the distance involved between each of the proposed blocks and existing buildings it is not considered there will be issues of overlooking or overshadowing. Each block meets the separation distances as set out in the SPD. However given the developments in part only just meet the minimum distances it is considered appropriate to remove permitted development rights for extensions and alterations to retain control over future extensions which would necessitate the requirement for planning approval.

12.5 Where those elements of the scheme are in outline only a full assessment of residential amenity will be carried out at reserved matters stage.

12.6 The conditions in relation to the noise assessment and the construction management plan will help to ensure that any disturbance due to noise and general construction activities will be kept to a minimum and will ensure the amenities of existing and new residents are not adversely impacted.

12.7 With regards to garden sizes, the SPD requires the following:

- 2 bedroom house 50 sqm
- 3 bedroom house 60 sqm
- 4 bedroom house 70 sqm
- 5 bedroom+ 80 sqm
- Apartments 10 sqm per unit

12.8 For those elements included in full:

- Sheltered accommodation scheme provides 465 sqm or 973 sqm if Balconies and smaller areas within the scheme are included
- 3 bedroom dwellings provide 84 sqm

12.9 Block D doesn't provide any private amenity space however on balance this isn't unusual for town centre 'above the shop' developments. The site lies in close proximity to the washlands and there are areas across the site which residents will be able to enjoy. Overall on balance it is considered that the requirements of the SPD are met.

13. Sustainability (energy efficiency and low carbon)

13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;

- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 The application includes electric charging points and has illustrated opportunities for ground source heat pumps and solar panels. The details of which can be secured by way of conditioned. The dwellings would be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. It is therefore considered that the proposals would accord with the aims of Policy DP2 of the Local Plan.

14. Highway Matters

14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

14.4 Overall the development would be required to provide the following number of spaces:

Element of the proposal	SPD requirement	Proposal
Sheltered Housing (block A)	1 space per dwelling = 72 spaces	72 spaces = 2 disabled spaces
Houses	2 spaces per 2 or 3 bed dwelling = 20 spaces	20 spaces
Apartments (block c)	6 x 2 bed = 12 spaces 3 x 1 bed + 1 = 4 spaces Total 16	16 spaces
Apartments and B1 (block D)	89 sq metre 1 per 20m ² = 4 spaces 1 per 1 bed apartment with 1 per three apartments for visitors – 4 Total 8	10 + 2 disabled spaces
Total	115	124 (6 disabled)

14.5 The application therefore addresses the requirement for on site parking provision. Whilst the application will result in the loss of the small car park on High Street there are other car parks nearby, on High Street and adjacent to the leisure centre which can be used by local businesses and visitors.

14.6 Comments have been received raising concerns about the level of parking provided with some considering there is insufficient parking. With regards to the sheltered accommodation element Trent and Dove, who will manage the site have provided information regarding other sheltered accommodation schemes they manage and overall in their experience no scheme requires 100% parking provision for each unit. Each residential unit will be issued with a parking permit however given not all units will require and is likely that there will be available space for visitors. In the event that all permits are required there is a public car park on the site which can be used for visitor parking.

14.7 The assessment of the replacement car park for the future phases will take place at the reserved matters stage however a condition will ensure the timing of its delivery which will mean there will always be a public car park available.

14.8 In relation to objections raising concern over the lack of spaces for those with disabilities there are 6 disabled spaces across the whole scheme (full application) which meets the requirements of the parking standards SPD.

- 14.9 Turning to other high matters, the application site covers a large site with an extensive planning history mostly relating to the previous existing uses within the site. The application is supported by a Transport Assessment. The development benefits from linkages to walking and cycling infrastructure. The site is in a sustainable location with good access to facilities and employment opportunities for both walking and cycling and in that respect is therefore acceptable.
- 14.10 The impact of the traffic associated with the site has been modelled to a limited extent and it is accepted that, at the current level of detail and within the suggested timeframe the impact on the local highway network is unlikely to be severe. However there is no certainty with regards to the quantum or timing of Phases 2 and 3 and it is therefore suggested that a methodology for revisiting that assessment be contained in any permission.
- 14.11 The highways authority have suggested that the roads be designed to adoptable standard which would also incorporate private access rights. The applicant agrees to adoptable standards in the construction of the route however they are proposing non-standard surfacing in some areas. The applicant also wishes to maintain these areas aswell as the existing rights of way through the site. A condition relating to the details of these surfaces and long term management and maintenance is proposed.
- 14.12 With regards to the proposals (in outline) around the leisure centre car parking a condition is recommended that the parking for the leisure centre be available at a minimum of its current level at all times with all necessary surfacing, drainage and signage in place. This will ensure there is parking available for the users of the leisure centre aswell as local businesses at all times during the phasing of the development.
- 14.13 A Travel Plan has been submitted with the application and Staffordshire County Council highways have stated that this will need to be updated as the site is occupied and the needs of those occupiers become clear. It is acknowledged in the plan that extensive further work will need to be carried out to develop a plan and targets that are relevant to this site and this development and that it will need to be carried out across all phases and therefore a new plan is likely to be required for each phase and a condition to this effect is recommended.
- 14.14 SCC highways have also requested a monitoring fee to cover the costs of SCC in monitoring the Travel Plan. Whilst the viability of the site means that no S106 agreement is sought the applicant has agreed to deal with this matter by way of legal agreement. Through this agreement there will also be an opportunity to revisit the travel plan and associated modelling for the reserved matters for later phases.
- 14.15 The proposal includes on site electric charging points for each of the properties. In addition cycle storage is provided for each of the blocks.
- 14.16 Emergency vehicles will be able to access the sheltered housing block from High Street and the rest of the site from the access route which will be managed so it is free from parked cars.

14.17 Overall it is considered that the site is in a sustainable location with good access to facilities and employment opportunities for both walking and cycling. It is not considered that the proposal will have a significant adverse impact on the highway network and in that respect is therefore acceptable.

15. Historic Environment

15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

15.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.

15.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

15.6 The site is almost entirely outside of the Burton on Trent Town Centre Conservation Area, although some small area within the red line along the river frontage is within the boundary. The site is surrounded in all directions by the conservation area designation as well as a number of listed buildings including Nunneley House, Queens Hotel, Britannic Assurance Building and Trent House (to the north) The Evangelical Church and 65, 66/67 and 81/81A High Street (southwest), numbers 97-102 High Street (via 4 separate listings covering numbers within that range), 3 timber curb posts beside number 102 and

number 192 Horninglow Street (all to the northwest). All of these nearby listed buildings are Grade II listed.

- 15.7 Many of these listed buildings were built as houses in the 18th century and were later used as shops when the town expanded, with several having good quality 19th century shop fronts at ground floor. Their settings are mostly informed by their neighbours and their position as part of a streetscene. A few exceptions include the Evangelical Church, which occupies a slightly unusual position set back from the street and partly nestled in behind buildings on the street frontage, its front elevation is striking but is visible from only a limited stretch of High Street before it is hidden by its neighbours. 66/67 High Street was the former offices of the Burton Mail and has less of a retail appearance as a result.
- 15.8 Beyond these there is a taller structure near the library in the form of the grade II listed water tower at the Bass Brewery site although distance diminishes any likely impact.
- 15.9 The heritage Statement identifies the generally strong frontages encountered on streets which preserve the medieval layout of the town, including High Street. The open nature of this site is something of a departure from this and redevelopment presents an opportunity to reintroduce that sense of enclosure which also has the potential to positively reflect the settings of nearby listed buildings which rely upon their position as part of a wider strong streetscape to allow appreciation of their more individual significance.
- 15.10 Phase 1 focuses on the high street frontage of the site and proposes pavement edge development which reintroduces the sense of enclosure lost in the 20th century redevelopment of the site and the subsequent demolition of that development. The approach to design is of blocks of building broken up into narrower forms through the use of gabled elements addressing the street and changes in fenestration and detailing. Some of the smaller gable fronted subdivisions are on a similar order to the width of the old burgage plots which inform the layout of parts of the High Street even today. Much of the proposal relies on brick, which is the most prominent material locally and the one which would have been used for the majority of the brewery buildings which previously occupied the site.
- 15.11 Phase 1 has also introduced decorative use of brickwork to add variety, interest and architectural quality to the scheme through a variety of patterns in recessed and projecting brickwork. Some of which inspired by local history and brewing, including the honeycomb pattern intended to reflect stacked barrels. The conservation officer considered that these features work visually.
- 15.12 The high street frontage has relatively little articulation in elevation, the majority being set at a single building line, although there are occasional small departures to maintain a small degree of visual interest. This is arguably typical of the high street in general and as such fits well. Greater articulation is seen in the heights and roofscape of the buildings with a combination of gables, eyebrow type dormers and glazed panels returning up part of the roofslope add some architectural variety. Whilst windows typically line up across the scheme a variety of reveal depth helps to add some further interest which serves to distract from this. The scheme also incorporates a substantial chimney at the

northern end of the frontage block, a feature which is considered to incorporate the building into the established streetscape.

- 15.13 The rear elevations are quite different, more internal, inward facing elevations. It is considered that these areas will create a different sense of place without compromising the relationship with the historic environment. Such areas are mostly comprising parking provision however this will be hidden from the wider streetscape of High Street.
- 15.14 Block D sits at the north of the site just to the east of Nunneley House, a grade II listed building which has been prominent in views across Burton Bridge for many years since buildings to its east were demolished. The conservation officer is least satisfied with this part of the application as the position of the building means that the prominence of the, admittedly blank, gable elevation of Nunneley house will be diminished. This elevation was previously hidden and largely without architectural detail and the more significant views of the front elevation would not be affected. The application has made some attempt to create a front elevation made up of narrow vertically emphasised bays of windows and openings, as well as framing at ground floor where retail uses are proposed. Overall the conservation officer does not believe that much more could be done to improve upon the design significantly in this part of the site given the requirements to maintain the rights of access and provide sufficient parking.
- 15.15 With regards to the 10 houses at the rear of the high street frontage (Block B types 1 and 2) it is considered that due to its steep and regular gabled roofs it would give an appearance of images of the roofs of large early industrial structures, particularly those seen in brewery buildings such as barrel washes, a type of building which has largely been lost in burton.
- 15.16 For the later phases presented in outline it is considered that an appropriate design could be presented and the proposed uses and blocks of structures can be considered acceptable at this stage.
- 15.17 Overall, whilst there are some reservations in respect of Block D the scheme needs to be considered as a whole and the proposals are considered to overall be positive. In respect of nearby listed buildings the proposed development restores elements of the streetscape context which would allow their positions in the wider townscape to be better understood and appreciated. The proposals are considered to preserve, and arguably improve, the settings of nearby listed buildings and would not harm their special significance. The proposal is considered to enhance the setting of the Conservation Area.
- 15.18 Subject to conditions to secure appropriate materials and detailing the proposal would preserve both the special architectural and historic interest of the conservation area via its setting and would preserve the significance of listed buildings via their settings as is described as a desirable objective within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

16. Flood Risk and Drainage

- 16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering

new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 The application is within Flood Risk Zone 2 and 3, the areas associated with this highest probability of flooding.
- 16.4 The application is supported by a Strategic Flood Risk Assessment and Sustainable Drainage Statement.
- 16.5 No objections have been raised by the LLFA subject to conditions requiring the implementation of the drainage scheme for phase 1 and submission of details for phase 2 and 3.
- 16.6 No objections have been raised by the Environment Agency subject to conditions requiring implementation of the mitigation proposals in the SFRA.
- 16.7 No objections have been raised by Severn Trent Water subject to conditions requiring the submission drainage plans for the disposal of foul and surface water flows.

17. Affordable Housing and Housing Mix

- 17.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.
- 17.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.
- 17.3 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(3) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.
- 17.4 Strategic Policy 17 states that housing-led residential development that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 40% of affordable housing. The policy states the following percentages:

- On previously developed land within the built up areas of Burton and Uttoxeter; 25%
- On greenfield sites within and on the edge of Burton and Uttoxeter; 33%
- On other land; 40%

17.5 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings. SP17 also states that Well-planned affordable housing led residential development providing an appropriate mix of housing will be welcomed.

17.6 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites. New housing development needs to help create and maintain sustainable and inclusive mixed communities. Affordable housing led development needs to be planned to achieve this, for example through appropriate design which reflects and integrates the new Affordable housing into the existing community. As a guide, developments of exclusively Rented Affordable housing for General needs should not normally contain more than 25 dwellings. Sites which can accommodate more than 25 dwellings should also include other types of housing, for example Rented Affordable housing designated for allocation to older people, market housing for sale or rent, Owner-occupied Affordable housing where appropriate, or Self-build plots, in order to enhance the inclusivity and sustainability of the development.

17.7 Phase 1 of the application is predominately an affordable housing led scheme with

- 72 no. sheltered housing scheme for older people (3no. x 1 bed and 69no. x 2 bed)
- 10 affordable houses (3 bed) and
- 13 private flats (2no. x 1 bed and 11no. x 2 bed)

17.8 The applicant has provided evidence of need for the dwelling mix. Overall 21% of the first 2 tier of the waiting list require 3 bed accommodation. The RSLs waiting list also shows over 500 applicants over the age of 55 with approximately 15% wishing to live in sheltered accommodation with a further 10% with a physical disability which would suit their needs. It is considered that this purpose built residential scheme will better meet the needs of older people and would free up other accommodation across the area which would be better suited to other households in need.

17.9 Overall the proposals do provide a mix of housing in a sustainable location. It is considered that the proposals aim to deliver mixed communities and also deliver homes where there is current demand.

18. National Forest/Landscaping/Trees

18.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained.

Green infrastructure should, therefore, be a key consideration planning decisions where relevant.

- 18.2 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 18.3 For a site of this size the policy requirement is to provide 20% of the site as woodland planting, or an off site financial contribution as requested by the National Forest Company. Given the site constraints and matter of viability this is not achievable.
- 18.4 An arboricultural report has been submitted with the application listing those trees which are suitable for retention and those that aren't. Overall all of the trees of which there 39 are proposed to be removed and as a result the tree officer has objected to the application. As a response the landscape proposals were amended to include the planting of 94 trees across phase 1 including species of crab apple, linden, acer, birch, hawthorn, rowan and alder. Whilst some of these trees are in the private garden to serve the sheltered housing scheme the majority of trees are in public areas. It is likely that there will be opportunities for further tree planting on future phases of the development.
- 18.5 The landscape plan also includes other features such as ornamental meadow grassland, shrubs and hawthorn hedgerow.
- 18.6 The tree officer has also raised concern regarding the longevity of the trees due to the space for roots. To address this concern the landscape plan has been revised to demonstrate that the scheme provides a sufficient level of rooting space for each landscaped area and that trees have been selected so they add interest to the amenity of the area. Consideration has been given to the species of tree for each area. The exact materials are to be conditioned however these will be porous in those landscaped areas to ensure sufficient drainage through to the roots of trees. A revised maintenance plan has also been provided which shows a watering regime for the first three years of the development and a further condition will ensure any trees which die or are damaged within the first 5 years are replanted at the appropriate time during the next planting season.
- 18.7 Overall the loss of the trees on the site is unfortunate given their condition and value they provide to the amenity of the site, however it is considered that the landscape proposals for phase 1 are considered acceptable and will offer a range of interest features to the site and will once established will positively contribute to the area by creating an area of attractive public realm.
- 18.8 There will be a further opportunity to ensure sufficient tree planting across the site as part of the reserved matters for phase 2 and 3.

19. Biodiversity

- 19.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

- 19.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 19.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 19.4 The application is accompanied by an Ecological Survey which illustrates that the majority of the site, with some the improved grassland and hardstanding is of 'low ecological value'. All trees and on site buildings affected have negligible bat potential. The trees and hedgerows on site are suitable for breeding birds and potentially will have a number of nests during the breeding season
- 19.5 There are substantive opportunities to enhance the biodiversity of the site by appropriate measures as part of the development scheme and the landscape plan includes a number of measures including bat and bird boxes, a variety of plants and trees which will benefit a range of birds and insects as well as including as many pollinator plants as possible.
- 19.6 Overall it is considered that the scheme represents biodiversity net gain and it meets the policy requirements. In relation to nesting birds, the mitigation measures will also include no working or site clearance in the nesting season.

20. Open space

- 20.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 20.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 20.3 SP32 and SP33 set out the requirements of open space provision across the Borough including the loss of open space.
- 20.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 20.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 20.6 The size of the proposed development would generate a requirement for the provision of open space of approximately 0.85 hectares. As set out later in the report in lieu of on site provision a financial obligation is requested to go towards maintenance of the washlands.

- 20.7 Overall the application includes a total of 0.29 hectares of public open space, which includes a link to the wider public realm redevelopment on the washlands.
- 20.8 The aspect which is part of the detailed planning proposal to be delivered in phase 1 of the scheme is a boulevard style link from High St to the Phase 2 site. This link is intended to be a high quality pedestrian priority tree lined route with node points along the journey from High St to the Washlands. The final node is part of the outline scheme to be delivered in Phase 2 and presents public square lined with facing developments either side. The intention is that this space would be used to link the public activity and provide a focus from the High St.
- 20.9 Also as part of phase 1 is a carpark woodland, pocket forest park and a café orchard.
- 20.10 There are open space elements to be provided as phase 2. As this section is part of the outline scheme further design development will be required.
- 20.11 Overall it is clear that the application doesn't meet the on site open space requirements, nor will an off site financial contribution be provided as discussed later in the report. However on balance it is considered that the scheme improves linkages through the site, encouraging opportunities for informal recreation to the washlands which is a vast area of open space adjacent to the town centre. The washlands has a number of formal and informal play areas and will be easily accessible on foot and by bike for the residents and users of the proposed development. It is considered that this element of the scheme can be considered acceptable when balanced against all local plan policies.

21. Education

- 21.1 There is a need for education facility provision in East Staffordshire, particularly at Burton Upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be and the policy describes how proposals for education facilities will be assessed.
- 21.2 Staffordshire County Council has identified the need for school places in the area, and has requested a financial contribution as detailed below.

22. Section 106 Contributions

- 22.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

22.2 The following contributions are sought. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Education	Education provision at Holy Trinity Primary School and Abbot Beyne and Burton High School cluster	£37,440
CCG	Healthcare provision at Wetmore Road Surgery, Peel Croft Surgery and Gordon Street Surgery	£44,940
Open Space	Maintenance of existing open space	£50,000
National Forest	Off site woodland creation	£19,600
SCC highways	Travel Plan monitoring Fee	£12,138 for each travel plan
Waste	Bin provision for all blocks for phase 1	£9,225
Total		

22.3 The applicant has provided information relating to viability concluding that the applicant for financial reasons cannot enter into a Section 106 agreement and as the proposal is predominately for an affordable housing led scheme this negates the contributions usually sought.

22.4 The applicant has provided a confidential viability assessment concluding that there is not sufficient viability of the scheme to provide any contributions. Whilst contributions are sought it is ultimately the decision of the Local Planning Authority whether to require a S106. It is therefore necessary to consider whether the benefits of the proposal outweigh the financial contributions sought.

22.5 Given the nature of the comments from the highway authority and the need to revisit the outline components of the scheme once further details and highway impacts are known the applicant has agreed to enter into a unilateral undertaking which will secure the monitoring of the phase 1 elements on the highway and allow for a full assessment of phase 2 at a future date.

22.6 Overall it is considered that the benefits of the scheme which is the delivery of a high quality scheme of affordable housing, in particular sheltered accommodation on a brownfield site where its redevelopment has been a long standing planning policy objective, outweigh the requirement for the financial contributions sought.

22.7 The provision of bins can be secured by way of condition.

22.8 Given the viability assessment does not include any calculation of viability of the future elements of the scheme, there is an opportunity to revisit viability of

those components at a future date as part of the reserved matters submissions and this will be secured via legal agreement.

23. Impact on existing businesses

23.1 The NPPF in section 187 states that:

23.2 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'.

23.3 It is therefore clear that the operation of existing businesses must not be adversely affected by new development.

23.4 Whilst not a planning matter, the site includes a legal right of access through the site. This right of access is shared by existing businesses on Bridge Street. The right of access does not include any dedicated areas for parking, loading and unloading however given the site has been vacant for a number of years an area of hardstanding has been used freely of any restriction. This use does not affect the right of access or give any user additional rights.

23.5 These businesses access their site at a different frequency, for example it is understood the Burton Bridge Brewery require access several times a day to receive deliveries of ingredients and barrels and this takes place using a range of vehicles, some being long goods vehicles. Due to the nature of the historic building there is no opportunity for these deliveries to take place at the front of the site.

23.6 Concern has been raised about the layout of the site and impact this may have on the ability for all goods vehicles to access the rear of these businesses. Concerns have been raised on the basis that manoeuvring of the larger vehicles will be difficult, when adopted as public highway any deliveries would be restricted to a time limit; and cars associated with the new development would be parked on the route. In addition the Burton Bridge Brewery has raised a specific concern about an area of land directly behind their business which has been used historically for loading and unloading of vehicles. In response to these concerns the application has been designed initially to maintain the rights of access and ensure all businesses can access their buildings, including for deliveries. The applicant has provided plans showing tracking of larger vehicles which will ensure a range of vehicles can access the businesses.

23.7 The application ensures the existing right of access remains as it is for phase 1. The applicant has also provided a series of tracking drawings to demonstrate vehicles will be able to manoeuvre through the site and make deliveries and collections as they do currently. A condition is proposed which will also ensure access remains through the construction phase. In addition a condition requiring a management plan to be submitted and approved is recommended and this will be subject to consultation with the businesses who have a right of

access – implementation of this management plan will ensure that vacuoles do not park on the access route, that deliveries to those businesses are not affected and also include a point of contact ensuring any issues with access are addressed expediently.

23.8 Therefore from a planning perspective it is considered that no existing business will be adversely affected by the proposal and also that any impacts can be controlled through the use of planning conditions.

24. Conclusions

24.1 The development of this site for residential purposes is acceptable in principle being located in the defined settlement boundary for Burton on an existing developed site.

24.2 The application site constitutes previously developed land within the Burton upon Trent settlement boundary on a site where there has been a long standing ambition to redevelop.

24.3 Although the application would see the loss of an area of open space and trees the application represents regeneration of a brownfield site within the town centre. Whilst there are concerns over the level of contribution which can be sought from the development and as such the application can not provide all the infrastructure necessary to meet those set out in consultee responses this needs to be weighed against the benefits of the scheme which are to develop a previously developed site, provide high quality managed affordable housing and market housing which would meet local needs in Burton Upon Trent including the needs of older residents. It is considered that the proposed layout will not unacceptably affect the character or appearance of its surroundings, the amenities enjoyed by the occupiers of nearby dwellings, the safe or efficient use of the highway network or protected species and their habitat.

24.4 On balance it is therefore considered that the proposal constitutes sustainable development which accords with Policies SP1, SP24, SP35, DP1, DP2 and DP3 of the East Staffordshire Local Plan, the National Planning Policy Framework and the East Staffordshire Design Guide.

24.5 RECOMMENDATION

24.6 That planning permission be granted subject to the following conditions,

25. Background papers

25.1 The following papers were used in the preparation of this report:

- Planning application form, plans and reports submitted with P/2020/01454

26. Human Rights Act 1998

26.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

26.2 That planning permission be granted subject to the following:

Grampian Condition

For the applicant to enter into a unilateral undertaking to Staffordshire County Council in relation to the Travel Plan monitoring fee

For the applicant to enter into a unilateral undertaking to East Staffordshire Borough Council to secure a viability appraisal in associated with reserved matters for phase 2 and 3.

Timescales

1. Application for approval of the reserved matters for phase 2 and phase 3 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.

2.No development on land identified as phase 2 and phase 3 shall take place until plans and particulars of the layout, scale and appearance of the building(s) to be erected, and the landscaping of the site (hereinafter called "the reserved matters") for Phase 2 and Phase 3 have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3.The development hereby permitted for phase 1 shall be begun before the expiration of three years from the date of the approval of the last reserved matter(s) to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans

4.The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:

2433.001	Location Plan	A1	1:1250	Revision P2
2433.100	Proposed Site Plan	A1	1:500	Revision P4
2433.110	External Surface Treatment	A1	1:500	Revision P3
2433.125	Site Sections	A1	1:200	Revision P1
2433.160	Site Survey	A1	1:500	Revision P2
2433.161	Constraints Plan	A3	1:1250	Revision P3
2433.162	Site Survey Rights of Access	A3	1:1250	Revision P3
2433.165	Car Parking Provision	A3	1:1000	Revision P3
2433.166	Bin & Cycle Provision	A3	1:1000	Revision P3
2433.167	Existing Trees on Site	A3	1:1000	Revision P1
2433.168	Sustainability Plan	A3	1:1000	Revision P1
2433.170	Proposed Site Plan - Phase 1	A1	1:500	Revision P4

2433.173	Proposed Site Plan - Phase 2 (Option 3)	A1	1:500	Revision P3
2433.175	Proposed Site Plan - Phase 3	A1	1:500	Revision P3
2433.A.110	Block A - Proposed Ground & First Floor Plans	A1	1:200	Revision P1
2433.A.111	Block A - Proposed Second & Third Floor Plans	A1	1:200	Revision P1
2433.A.112	Block A - Proposed Roof Plan	A1	1:200	Revision P1
2433.A.120	Block A - Proposed Elevation 1-1	A1	1:200/1:100	Revision P1
2433.A.121	Block A - Proposed Elevation 1-1	A1	1:200/1:100	Revision P1
2433.A.122	Block A - Proposed Elevation 3-3	A1	1:200/1:100	Revision P1
2433.A.123	Block A - Proposed Elevation 3-3	A1	1:200/1:100	Revision P1
2433.A.124	Block A - Proposed Elevations 2-2 & 4-4	A1	1:100	Revision P1
2433.B.110	Block B - Proposed Floor Plans (Type B1)	A1	1:50	Revision P2
2433.B.111	Block B - Proposed Floor Plans (Type B2)	A1	1:50	Revision P1
2433.B.120	Block B - Proposed Elevations (Type B1)	A1	1:50	Revision P2
2433.B.121	Block B - Proposed Elevations (Type B2)	A1	1:50	Revision P1
2433.C.110	Block C - Proposed Floor Plans	A1	1:50	Revision P1
2433.C.120	Block C - Proposed Elevations	A1	1:50	Revision P1
2433.D.110	Block D - Proposed Floor Plans	A1	1:50	Revision P1
2433.D.120	Block D - Proposed Elevations	A1	1:50	Revision P1

Bargates 016-BG-001-R5

Robert Colbourne Bargates Landscape Strategy_v3

Robert Colbourne- Bargates-Planting and Maintenance Notes

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP35, DP1 and DP3, the East Staffordshire Design Guide, the parking standards SPD, the Separation Distances and Amenity SPD and the National Planning Policy Framework

Affordable Housing

5.No development shall take place on site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it to include both affordable homes to rent and shared ownership homes. The scheme shall include:

- i. The arrangements for the transfer of the Affordable Housing Units to an Affordable Housing Provider;
- ii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing except where a third party has fully acquired a shared ownership home or where a rented property has been fully acquired under the Right to Buy Scheme or Right to Acquire; and
- iii. The occupancy criteria to be used for determining the identity of occupiers of the affordable rented housing which is or remains under the control of the Affordable Housing Provider by means of the Borough Council's Allocations Scheme or in such form as may be proposed by the Local Authority and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that affordable housing is provided on site as stipulated within the supporting documents and in relation to policy noting that a Viability Assessment has concluded no planning obligations can be provided in connection with this development.

Materials

6.No development shall take place until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles, windows and rainwater goods) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

7.No development shall take place until samples and details of all materials to be used for hard surfacing as part of the landscaping within and around the site have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

8.No development shall take place on the balcony railings until construction details for the proposed balcony railings have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

9.No development shall take place until a scheme of landscaping, fencing and walling, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

10.All planting, seeding or turfing comprised in the approved details of landscaping referred to in condition 6 shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

11. Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 6 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP24 and DP3, and the National Planning Policy Framework.

Highways

12. Prior to the commencement of any works on the estate roads that are required to provide access for refuse vehicles servicing the site details of the design and layout of those roads to adoptable standard shall be submitted to and approved by the LPA and once approved those roads shall be constructed in accordance with those details

13. Prior to the commencement of any works on the site details of the closure of the northern access and its designation as a footway/cycleway shall be submitted to and approved by the LPA and once approved those works shall be completed in accordance with those details and maintained as such thereafter.

14. Car parking for the leisure centre shall be maintained at a minimum of the existing level at all times and will be hard surfaced, the spaces marked out and all appropriate signage etc in place at all times and access to it shall be maintained at all times. Any changes to the location or number of spaces shall be submitted to and approved by the LPA prior to the commencement of any changes.

15. Before any part of the development hereby approved is brought into beneficial use and irrespective of the document currently submitted a Travel Plan will be submitted to and approved by the LPA which will include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of residents, an initial series of targets for modal shifts for residents and a secondary series of targets should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the parking spaces provided in connection with the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the

premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

17. The weatherproof cycle storage shall be provided prior to the first occupation of any dwelling, which shall thereafter be retained as such for the parking of cycles for the life of the development.

Reason: To ensure the development makes provision for the safe and secure storage of cycles and to encourage an increase in the number of journeys made by sustainable modes of travel in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Sustainable Design

18. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies SP1 and SP35 of the Local Plan and the Parking Standards SPD.

19. No development shall take place until details of renewable energy and energy saving measures have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the dwellings to which they relate hereby permitted and retained as such for the life of the development.

Reason: To ensure that the site is sustainably developed in accordance with the National Planning Framework (particularly Section 10) and Policy DP2 of the East Staffordshire Local Plan

Lighting

The development shall not progress above damp proof course level until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details. No lighting other than the approved scheme shall be installed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Policies SP24, DP3 the East Staffordshire Design Guide and the National Planning Policy Framework.

Waste

20. Prior to the first occupation of the development hereby approved, each dwelling shall be provided with appropriate external storage containers for refuse and recycling collection. The containers must be available for use before commencement of the council's waste collection service.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan SP1, SP24, SP35, DP1 and DP3, the East Staffordshire Design Guide, and the National Planning Policy Framework.

21. Prior to the development being brought into use a scheme of indemnification from any claim against the Authority for damage to roads, paved areas, landscaping

Flooding and Drainage

22. No Phase 2 or Phase 3 development shall begin until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must demonstrate:

1. Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
2. SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.
3. Limiting the discharge rate generated by all rainfall events up to 100 year plus climate change in accordance with the guidance in the SCC SUDS Handbook. Provision of surface water runoff attenuation storage to achieve the limited discharge.
4. Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, to include as a minimum the 100-year plus 40% climate change and the 30-year return periods.
5. Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, including pump failure where applicable. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
6. Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

To include the name and contact details of the party(-ies) responsible. The development shall thereafter proceed in accordance with the approved details.

Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

23. The development hereby permitted for Phase 1 shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:

- K824-204 - PHASE 1 DRAINAGE STRATEGY P01
- PHASE 1 SURFACE WATER NETWORK
- K824-203 - PHASE 1 IMPERMEABLE AREAS PLAN P01

Thereafter, the drainage scheme shall be retained and maintained in accordance with K824-205 - PHASE 1 SUDS MAINTENANCE PLAN - REV P0.

Reason

To reduce the risk of surface water flooding to the development and surrounding properties for the lifetime of the development

24. The development shall be carried out in accordance with the submitted flood risk assessment referenced K824 dated December 2019 and the following mitigation measures it details: 1. In accordance with section 7.1.4 of the FRA the sheltered accommodation will be set Finished Floor Levels to at least 46.4m Above Ordinance Datum (AOD). 2. In accordance with section 7.1.4 of the FRA all other finished floor levels on the proposed development will be set to at least 46.7m AOD. Notwithstanding the FRA the current flood defence cannot be disassembled or altered until finished ground levels behind the flood defence are confirmed by the Environment Agency to be no lower than 46.10m AOD and the high ground is deemed structurally secure to ensure no increase in flood risk to Burton-on-Trent.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reason

To reduce the risk of flooding to the proposed development and future occupants, prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to ensure the structural integrity of the existing and proposed flood defences thereby reducing the risk of flooding.

25. The development hereby permitted shall not be commenced until such time as a Section 40 Agreement, supplied by the Environment Agency, has been signed and implemented by the applicant. This shall be submitted to, and approved in writing by, the local planning authority.

Reason

To ensure the future protection of the high ground throughout the life time of the development thereby ensuring existing protection to third party land is maintained

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local

planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

27.No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The details shall include a surface water drainage strategy for the site. The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited in accordance with East Staffordshire Local Plan Policies SP27and DP7 and the National Planning Policy Framework.

Noise, dust and contamination

28 A dust mitigation scheme shall be submitted to and agreed by the LPA, and then implemented during the development. The scheme shall follow the principles of the latest version of the Institute of Air Quality Management's (IAQM) *Guidance on the assessment of dust from demolition and construction*.

Noise

29. A scheme of noise mitigation (glazing and ventilation) shall be submitted to and agreed by the LPA, and then installed, prior to the first occupation of the apartments. The scheme shall ensure the recommended standards of BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings* are complied with.

The scheme shall ensure that as a minimum, the glazing and ventilation mitigation specifications recommended in above noise assessment for the various apartment facades are met. As also recommended in the above noise report, mechanical ventilation shall be installed and where clean air is required to be drawn into the apartments for the purposes of the mechanical ventilation, this shall be from as far away as possible from the Burton Bridge Brewery to ensure any odour effects from the brewery are minimised.

During any further ground works, any contamination is identified that has not been considered within the Remediation Method as set out in Patrick Parsons Phase II Site Appraisal (Rev 2) (Ref: B16267 dated October 2019), then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

b. The development shall not be occupied until the Remedial measures set out in Patrick Parsons Phase II Site Appraisal (Rev 2) (Ref: B16267 dated October 2019) have been completed and a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

30. The details required under condition 2 above shall include details showing the existing and proposed land levels of the site including site sections and the finished floor levels, ridge and eaves heights of all proposed buildings with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1 the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

31. a. Where the Phase II Site Appraisal (Rev 2) completed October 2019 by Patrick Parsons has identified the presence of soil contamination and ground gas, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed. Please note that the ground gas classification and remedial measures should be completed in reference to BS 8485 2015+A1:2019.

b. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

c. The development shall not be occupied until a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

32. Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.

Reason: In order to safeguard human health and the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework

Hours of construction and construction management

33. There shall be no site works outside of the following hours, without the specific consent of the Local Planning Authority:

Mon-Fri 07:30-21:00

Sat 08:00-14:00

Sun and Bank holidays- no working

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

34. Prior to demolition, construction or earthworks on site, a scheme of construction noise mitigation shall be submitted to and agreed by the Local Development Control Department. The scheme shall be in line with BS 5288 Part 1+A1:2014.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

35. Prior to the commencement of any construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Ecological enhancements

36. The development shall be carried out in accordance with the findings and mitigation measures set out in the ecological assessment and landscape plan unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework

37. Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this consent) shall be erected within the curtilage of the dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and its/their surroundings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

38. Notwithstanding the provisions of Classes A, B, C, D, E, G and H of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling(s) hereby permitted shall not be altered or extended, no new windows shall be inserted, no chimneys shall be erected, no satellite dishes shall be affixed to the dwelling(s) and no buildings or structures shall be erected within the curtilage of the new dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and its/their surroundings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

Informatives

1. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

2. The conditions identified below require details to be approved before commencement of the development/works.

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

3. The applicant/developer is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

4. The applicant/developer is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

5. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Environmental permitting regulations (EPR)

This development will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of, or within the floodplain of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission.

Please note that we have a 2 month statutory period in which to determine Environmental Permits once all information has been received and it should not be assumed that such consent will automatically be forthcoming. We would advise you to consult with us at the earliest opportunity in order to determine and secure formal consent for the proposed works as appropriate.

Finally, in order for the Environment Agency to monitor its effectiveness in influencing the determination of planning applications, a copy of the decision notice (including conditions) for this application would be appreciated.

Note regarding public footpath

27. Crime and Disorder Implications

27.1 It is considered that the proposal does not raise any crime and disorder implications.

28. Equalities Act 2010

28.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Naomi Perry
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